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BANK, N.A. and CHASE HOME FINANCE, LLC
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
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14 BARBARA L. SCHRAMM and STEVEN
15 L. WEINSTEIN, individually and on behalf
of all others similarly situated,

16 Plaintiffs,

17 v.

18 JPMORGAN CHASE BANK, N.A.; and
19 CHASE HOME FINANCE, LLC,

20 Defendants.
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Case No. CV09-9442-AHM

**JPMORGAN CHASE BANK,
N.A. AND CHASE HOME
FINANCE, LLC'S NOTICE
OF MOTION FOR
SUMMARY JUDGMENT**

Date: May 16, 2011
Time: 10:00 a.m.
Ctrm: 14

Hon. A. Howard Matz

1 PLEASE TAKE NOTICE that on May 16, 2011, at 10:00 a.m. or as soon
2 thereafter as the matter may be heard, defendants JPMorgan Chase Bank, N.A.
3 and Chase Home Finance, LLC (collectively "Chase"), will and hereby do move
4 pursuant to Federal Rule of Civil Procedure 56 for an order granting summary
5 judgment in their favor on all causes of action in the above-captioned case. The
6 grounds for this motion are:

7 1. All of Plaintiffs causes of action are barred by the applicable statutes
8 of limitations because Plaintiffs' deposition testimony shows that reading the
9 challenged documents put reasonable borrowers on inquiry notice of the factual
10 basis of Plaintiffs' claims.

11 2. Plaintiffs cannot adduce evidence from which a reasonable juror could
12 find that Plaintiffs actually relied on the disputed language in entering the
13 transactions.

14 3. Plaintiffs can prove no damages cognizable under California law.

15 4. All of Plaintiffs' causes of action with regard to their 2001 loan are
16 preempted by federal law because the only misrepresentation they attribute to
17 Chase is found in a document that is under the exclusive purview of federal
18 banking law and regulations.

19 In support of this motion, Defendants submits the accompanying
20 Memorandum of Points and Authorities, Statement of Uncontroverted Facts and
21 Conclusions of Law, Declaration of Wendy Garbers and the exhibits and
22 deposition testimony attached thereto, and Declaration of Colleen A. Meade.

23 This motion is made following the conference of counsel pursuant to
24 L.R. 7-3 which took place on March 2, 2011.

1 Dated: April 6, 2011

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5 By: /s/ Wendy M. Garbers
Wendy M. Garbers

6 Attorneys for Defendants
7 JPMORGAN CHASE BANK, N.A.
8 and CHASE HOME FINANCE,
9 LLC
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